

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2864 - SB 2889

March 9, 2022

SUMMARY OF BILL AS AMENDED (015307): Removes authorization for certain municipalities to hold public meetings in which some members are participating electronically.

Requires that if a meeting conducted by a governing body permits participation by members electronically, the body shall allow members of the public who are not in attendance to access the meeting by electronic means in real time and to participate or provide comment by electronic means of communication, if such participation would normally be allowed at the meeting.

Requires notice for the public meeting to state that the meeting will include members of the governing body who are participating electronically. A notice must contain information necessary for members of the public to access the meeting electronically and instructions on how to provide public comment electronically, if public comment is allowed in the meeting.

Requires a governing body that conducts a public meeting allowing participation electronically to make a recording of the meeting and post the recording or a link to the recording on its website no later than three days after the meeting. Requires the governing body to retain the recording or link for at least three years after it was created.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Removing the authorization for certain municipalities to hold public meetings in which some members are participating electronically will not result in any fiscal impact to local government.
- Tennessee Code Annotated § 8-44-108(b)(1) provides that certain governing bodies may allow participation in meetings by electronic means if a physical quorum is present or a determination of necessity exists. Members who participate electronically are not eligible to receive per diem.
- It can reasonably be assumed that requiring those governing bodies which utilize electronic means of meeting to make such meetings electronically accessible to the public will not result in any significant fiscal impact to state or local government.

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- Pursuant to Tenn. Code Ann. § 8-44-103, any such governmental body which holds a public meeting shall give adequate public notice of such meeting. Requiring additional information in a public notice will not result in any fiscal impact to state or local government.
- It can reasonably be assumed that only governing bodies which currently have the technology to participate in meetings electronically will do so; therefore, requiring a governing body to record and retain such meetings will not result in any significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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